

1 CRIMINAL COURT OF THE STATE OF NEW YORK

2 COUNTY OF NEW YORK: PART JURY 8

4 THE PEOPLE OF THE STATE OF NEW YORK DOCKET NUMBER
5 - against - 2016NY017197

6 STEVEN HIRALDO

7 Defendant

11 B E F O R E ..

12 THE HONORABLE JOANNE WATTERS

13 A P P E A R A N C E S

14 FOR THE PEOPLE:
15 OFFICE OF THE DISTRICT ATTORNEY
16 One Hogan Place
17 New York, New York
BY: TEREL WATSON,
Assistant District Attorney

FOR THE DEFENDANT:
BY: MIGUELINA CAMILO, ESO.

20 SHANNA RUSSO
OFFICIAL COURT REPORTER

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Proceeding

COURT OFFICER: Calendar 7, docket
2016NY017197, Steven Hiraldo.

MS. CAMILO: Good morning, Your Honor.
Miguelina Camilo, C-A-M-I-L-O.

THE COURT: Good morning.

MR. WATSON: For the People, Terel Watson.
Good morning.

THE COURT: Good morning, Mr. Watson.

Nice to see you both. This was on for repleader. The defendant was to complete community service, restitution, and no new arrests. The plea was taken back in November of 2016.

MR. WATSON: Yes.

MS. CAMILO: Yes. We were in court. We needed a short adjournment to complete community service.

THE COURT: As for restitution?

MS. CAMILO: That was paid

THE COURT: It appears, Mr. Watson, that all of the conditions of the repleader have been complied with.

MR. WATSON: Yes. So the People would consent to defendant being able to withdraw his guilty plea and now plead guilty to a violation of the disorderly conduct and time served.

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1 MS. CAMILO: That is correct.

2 THE COURT: Acceptable. So, sir, at this
3 time your misdemeanor conviction is vacated. You don't
4 have a criminal record. It is being replaced with a
5 disorderly conduct, with a promised sentence of the
6 Court being a conditional discharge, a full final order
7 of protection, \$120 mandatory surcharge. Is that your
8 understanding of the offer being made to you today,
9 sir?

10 THE DEFENDANT: Yes.

11 THE COURT: Is your client waiving
12 prosecution by information, formal allocution,
13 adjournment for sentence?

14 MS. CAMILO: Yes, Your Honor.

15 THE COURT: Mr. Hiraldo, your attorney states
16 you wish to plead guilty to disorderly conduct, a
17 violation not a crime, with the promised sentence of
18 the Court being a conditional discharge. The condition
19 being that you lead a law abiding life, have no new
20 arrests for one year. You abide by a full and final
21 order of protection. You are to have no contact with
22 Raoul Matos (ph), otherwise you are subject to
23 additional charges and rearrest. There is also \$120
24 mandatory surcharge. Do you understand all of that?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: Are you pleading guilty
2 because you are guilty of disorderly conduct?

3 THE DEFENDANT: Yes.

4 THE COURT: Are you pleading guilty of your
5 own free will?

6 THE DEFENDANT: Yes.

7 THE COURT: By pleading guilty you give up
8 certain rights, including your right to trial, your
9 right to confront witnesses, your right to have your
10 attorney cross examine witnesses. Your right to have
11 the People prove their case beyond a reasonable doubt.
12 Your right to remain silent. Knowing this, do you want
13 to plead guilty?

14 THE DEFENDANT: Yes.

15 THE COURT: If you are not a US citizen, you
16 may be deported, denied citizenship as a result of your
17 plea of guilty. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Is there anything you wish
20 to say before I sentence you?

21 THE DEFENDANT: Thank you very much, Your
22 Honor.

23 THE COURT: Thank your attorney. The
24 sentence of the Court is a conditional discharge. The
25 condition being that you lead a law abiding life. Have

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1 no new arrests for one year. Abide by a full final
2 order of protection. You are to have no contact with
3 Raoul Matos otherwise you will be rearrested and
4 subject to additional charges. You have to pay a
5 mandatory surcharge of \$120.

6 Can your client pay today?

7 MS. CAMILO: He needs some time, Your
8 Honor.

9 THE COURT: Sir, you are to show proof of
10 payment of the mandatory surcharge to the Cashier Part
11 in this courthouse on or before March 16th. Do you
12 understand that?

13 THE DEFENDANT: Can I come in before that?

14 THE COURT: Absolutely.

15 MS. CAMILO: Can I have one moment? As
16 far as the order of protection, to clarify. It is
17 a two year final order. It is subject to
18 incidental contact, which it has been throughout
19 the case. He did enter the order initially on his
20 plea date of November 2016. So would the order be
21 extended now until November of 2018, November 28,
22 2018?

23 THE COURT: Mr. Hiraldo, just to
24 clarify. I am making this order subject to
25 incidental contact. What that means is, there

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1 might be a situation, I don't know if they're
2 working or in school. If you see Mr. Matos, you
3 are to have no communication with him, meaning no
4 verbal or nonverbal. You cannot have anybody do
5 it for you otherwise you will be subject to
6 rearrest. Do you understand that?

THE DEFENDANT: Understand a hundred percent.

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SHANNA RUSSO

OFFICIAL COURT REPORTER